

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY,
FLORIDA

CASE NO:

ANTWAN HOPE, SR., as Personal Representative
of the ESTATE OF ANTWAN HOPE, JR., deceased,
for and on behalf of the Estate and Survivors thereof,

Plaintiff,

vs.

CHILDNET, INC.; and FLORIDA DEPARTMENT OF
CHILDREN AND FAMILIES,

Defendants.

/

COMPLAINT

COMES NOW, Plaintiff, ANTWAN HOPE, SR., as Personal Representative of the
ESTATE OF ANTWAN HOPE, JR., deceased, for and on behalf of the Estate and
Survivors thereof (hereinafter "Plaintiff"), by and through undersigned counsel and hereby
sues the Defendants, CHILDNET, INC. (hereinafter "CHILDNET"); and FLORIDA

DEPARTMENT OF CHILDREN AND FAMILIES (hereinafter "DEPARTMENT"), and states as follows:

JURISDICTION AND VENUE

1. This is a claim for negligence for actions which took place in Broward County, Florida.
2. This action involves damages in excess of \$15,000.00 exclusive of attorney's fees, interest, or costs.

PARTIES

3. At all times material hereto, Plaintiff was the biological father of ANTWAN HOPE, JR., whose date of birth was October 10, 2008, and who was under the custody and/or control of Defendant, CHILDNET.

4. Plaintiff is the duly appointed Personal Representative of the Estate of the deceased, ANTWAN HOPE, JR. (See Letters of Administration attached hereto).

5. This action is brought by Plaintiff for the benefit of the Estate of ANTWAN HOPE, JR., and for and on behalf of the requisite survivor thereof, to wit:

a. ANTWAN HOPE, SR., Father (in his individual capacity).

6. Defendant, CHILDNET, is a not-for-profit corporation organized and existing under the laws of the State of Florida and operating its business in Broward County, Florida.

7. At all times material hereto, Defendant, CHILDNET, was and is an agency for community-based care in Broward County, Florida, pursuant to Florida Statutes §409.1671, and contracted with by the State of Florida to provide all the administration and maintenance of the child protection system in Broward County, Florida.

8. Defendant, DEPARTMENT, is the state agency charged with ensuring the health, welfare and safety of children under the care of the State of Florida's child protection system throughout the state including, but not limited to, Broward County, Florida.

GENERAL ALLEGATIONS

9. All children adjudicated dependent pursuant to Chapter 39 of the Florida Statutes are placed in the legal custody of Defendant, DEPARTMENT.

10. At all times material hereto, Defendant, CHILDNET, is and was the lead agency in all proceedings related to dependent children in Broward County, Florida.

11. In or about December of 2011, Defendant, CHILDNET, took custody of ANTWAN HOPE, JR., when he was removed from the custody of his natural parents due to allegations that his mother, Destene Chardoney Simmons, had threatened to hurt him.

12. As of December of 2011, ANTWAN HOPE, JR., was in the legal custody of Defendant, CHILDNET. Then in February of 2012 a formal court Order was entered in Broward County Circuit Court placing the child in the temporary custody of Defendant, CHILDNET.

13. Throughout the investigation of the determination of the safest housing placement for, and general welfare of, ANTWAN HOPE, JR., from December 2011 until his death on June 10, 2013, the Defendants, CHILDNET and the DEPARTMENT, became aware of facts, including but not limited to the following regarding the mother, Destene Chardoney Simmons', significant mental health issues which clearly made her a threat to ANTWAN HOPE, JR., deceased, and unfit for unsupervised visits with ANTWAN HOPE, JR., deceased:

- (a) In mid-2011, she attempted to suffocate Antwan Hope, Jr. with a pillow.;
- (b) Her family notified Defendant, CHILDNET'S, assigned caseworkers that she had begun to "act differently" beginning in 2011 going forward and that they had "concerns about her ability to care for [ANTWAN HOPE, JR.]";
- (c) She would regularly take ANTWAN HOPE, JR., from his residence and walk around in the streets with him at 3:00 a.m. in the morning.;
- (d) She had been acting "erratically" and had even gotten into a shoving match with her own mother over her unusual attachment to ANTWAN HOPE, JR.;
- (e) She refused to allow others to interact with ANTWAN HOPE, JR., and constantly held him.;
- (f) She threatened to hurt ANTWAN HOPE, JR., because his father had decided to seek custody.;

- (g) She was a diagnosed paranoid schizophrenic and also suffered from depression.;
- (h) She had been Baker Acted (a legal mechanism in Florida by which a person can be involuntarily committed to the custody of mental health officials for the safety of himself/herself and others) on at least Two (2) prior occasions, including in 2012 about which Defendants, CHILDNET, and the DEPARTMENT, were aware that she was refusing to follow her discharge orders/instructions including taking of mental health medications and failing to engage in therapy.;
- (i) In violation of her agreed upon family support plan with regard to ANTWAN HOPE, JR., she consistently engaged in erratic behavior including picking up the child at times she was not supposed to do so and disappearing for up to days at a time.;
- (j) In violation of her agreed upon family support plan with regard to ANTWAN HOPE, JR., she failed to appear with ANTWAN HOPE, JR., for family counseling visits ultimately resulting in the revocation of such services.; and
- (k) In violation of her agreed upon family support plan with regard to ANTWAN HOPE, JR., she failed to appear for meetings with Guardian Ad Litem and other officials at the agreed upon appointment times.

14. Despite these and other clear red flags and warning signs that, Destene Chardoney Simmons, was a significant threat to the safety and well-being of ANTWAN HOPE, JR., Defendants, CHILDNET, and/or the DEPARTMENT, inexplicably sought and/or authorized unsupervised visits between Destene Chardoney Simmons and ANTWAN HOPE, JR.

15. During one such unsupervised visit (June 10, 2013) authorized and/or sought by Defendants, CHILDNET and/or the DEPARTMENT, between ANTWAN HOPE, JR., and his mother, Destene Chardoney Simmons, ANTWAN HOPE, JR., died while in the unsupervised custody and care of his mother, Destene Chardoney Simmons.

16. At the time of the unsupervised visit authorized and/or sought by Defendants, CHILDNET and/or the DEPARTMENT, with his mother, Destene Chardoney Simmons, ANTWAN HOPE, JR., was murdered by his mother, Destene Chardoney Simmons, or died as a result of severe neglect due to her mental incapacity to properly care for ANTWAN HOPE, JR.

COUNT I - NEGLIGENCE: WRONGFUL DEATH AGAINST DEFENDANT, CHILDNET

17. Plaintiff hereby realleges Paragraphs 1-16 through as if fully set forth herein.

18. Defendant, CHILDNET, through its agents and/or employees, owed ANTWAN HOPE, JR., the following duties:

- (a) To keep ANTWAN HOPE, JR., safe from harm.;
- (b) To use reasonable care in the oversight of the care of ANTWAN HOPE, JR., to ensure his health, welfare and safety as required by

Chapter 39 of the Florida Statutes, the Florida Administrative Code and Defendant, CHILDNET's, policies and procedures.;

- (c) To obtain all available information regarding the mental health history of Destene Chardoney Simmons in order to properly manage or restrict the visitation and/or contact between Destene Chardoney Simmons and ANTWAN HOPE, JR., in order to properly implement any precautionary measures to keep ANTWAN HOPE, JR., safe.;
- (d) To protect ANTWAN HOPE, JR., from injury or death at the hands of his mother, Destene Chardoney Simmons.;
- (e) To use reasonable care in the oversight and supervision of ANTWAN HOPE, JR., to ensure that he was not placed in harms way by, including but not limited to, placing him in the unsupervised custody or control of his mother, Destene Chardoney Simmons, who clearly was mentally incapable of caring for him and/or was clearly an apparent threat of harm to him.; and
- (f) To prepare safety plans and/or plans of care to ensure that ANTWAN HOPE, JR., was not placed in the unsupervised care and/or custody of his mother, Destene Chardoney Simmons without a full and complete psychological evaluation and full compliance with the care plan implemented.

19. Defendant, CHILDNET, through its agents and/or employees, negligently breached said non-discretionary duties owed to ANTWAN HOPE, JR.

20. As a result of Defendant, CHILDNET'S, negligence, ANTWAN HOPE, JR., died.

21. Plaintiff, ANTWAN HOPE, SR., individually and as Personal Representative of the estate of ANTWAN HOPE, JR., deceased, for and on behalf of the Estate and himself as the requisite survivor thereof, seeks the following damages against Defendant, CHILDNET, pursuant to Florida Statute §768.16 et seq., "Florida Wrongful Death Statute":

- (a) Loss of earnings and loss of prospective net accumulations of the Estate.;
- (b) Medical and funeral expenses.;
- (c) Antwan Hope, Sr.'s, mental pain and suffering from June 10, 2013 and into the future.;
- (d) Antwan Hope, Sr.'s loss of support and services from June 10, 2013 and into the future.; and
- (e) Such other damages as awardable pursuant to the Florida Wrongful Death Act §768.16 et seq. Florida Statutes.

WHEREFORE, Plaintiff, ANTWAN HOPE, SR., individually and as Personal Representative of the estate of ANTWAN HOPE, JR., deceased, for and on behalf of the Estate and himself as the requisite survivor thereof demands judgment against Defendant, CHILDNET, for damages, costs, and further demands trial by jury.

COUNT II - NEGLIGENCE:
WRONGFUL DEATH AGAINST DEFENDANT, DEPARTMENT

22. Plaintiff hereby realleges Paragraphs 1 through 16 as if fully set forth herein.

23. Defendant, DEPARTMENT, through its agents and/or employees, owed ANTWAN HOPE, JR., the following duties:

- (a) To keep ANTWAN HOPE, JR., safe from harm.
- (b) To use reasonable care in the oversight of the care of ANTWAN HOPE, JR., to ensure his health, welfare and safety as required by Chapter 39 of the Florida Statutes, the Florida Administrative Code and Defendant, DEPARTMENT's, policies and procedures.;
- (c) To obtain all available information regarding the mental health history of Destene Chardoney Simmons in order to properly manage or restrict the visitation and/or contact between Destene Chardoney Simmons and ANTWAN HOPE, JR., in order to properly implement any precautionary measures to keep Antwan Hope, Jr. safe.;
- (d) To protect ANTWAN HOPE, JR., from injury or death at the hands of his mother, Destene Chardoney Simmons.;
- (e) To use reasonable care in the oversight and supervision of ANTWAN HOPE, JR., to ensure that he was not placed in harms way by, including but not limited to, placing him in the unsupervised custody or control of his mother, Destene Chardoney Simmons, who clearly was mentally incapable of caring for him and/or was clearly an apparent danger to him.; and

(f) To use reasonable care in the oversight and supervision of Defendant, CHILDNET'S, administration of its child protective services provided to ANTWAN HOPE, JR., to ensure that he was not placed in harms way by, including but not limited to, placing him in the unsupervised custody or control of his mother, Destene Chardoney Simmons, who clearly was mentally incapable of caring for him and/or was clearly an apparent danger to him.

24. Defendant, DEPARTMENT, through its agents and/or employees, negligently breached said non-discretionary duties owed to ANTWAN HOPE, JR.

25. As a result of Defendant, DEPARTMENT'S, negligence, ANTWAN HOPE, JR., died.

26. Plaintiff, ANTWAN HOPE, SR., individually and as Personal Representative of the estate of ANTWAN HOPE, JR., deceased, for and on behalf of the Estate and himself as the requisite survivor thereof, seeks the following damages against Defendant, DEPARTMENT, pursuant to Florida Statute §768.16 et seq., "Florida Wrongful Death Statute":

- (a) Loss of earnings and loss of prospective net accumulations of the Estate.;
- (b) Medical and funeral expenses.;
- (c) Antwan Hope, Sr.'s, mental pain and suffering from June 10, 2013 and into the future.;
- (d) Antwan Hope, Sr.'s loss of support and services from June 10, 2013 and into the future.; and

(e) Such other damages as awardable pursuant to the Florida Wrongful Death Act §768.16 et seq. Florida Statutes.

WHEREFORE, Plaintiff, ANTWAN HOPE, SR., individually and as Personal Representative of the estate of ANTWAN HOPE, JR., deceased, for and on behalf of the Estate and himself as the requisite survivor thereof demands judgment against Defendant, DEPARTMENT, for damages, costs, and further demands trial by jury.

DATED this 10th day of June, 2014.

YOUNG & STEIN, P.A.
2300 Glades Road, Suite 200W
Boca Raton, FL 33431
(561) 368-1920 - Telephone
(561) 368-1790 - Facsimile
E-Mail: tim@youngstein.com
Primary E-Service: tvannatta@youngstein.com
Secondary E-Service: youngstein@youngstein.com
Attorneys for Plaintiff(s)

BY: s/R. Timothy Vannatta
R. TIMOTHY VANNATTA, ESQUIRE
Florida Bar No: 55890

(and on behalf of Plaintiff's Co-Counsel):

Howard Talenfeld, Esquire
Colodny, Fass, Talenfeld, Karlinsky & Abate, P.A.
One Financial Plaza, 23rd Floor
100 Southeast Third Avenue
Ft. Lauderdale, FL 33394
(954) 492-4010
Fax: (954) 492-1144

/kmr

IN THE CIRCUIT COURT FOR BROWARD COUNTY,
FLORIDA
PROBATE DIVISION

IN RE: ESTATE OF: File No. 13-2660

ANTWAN ALEXANDER HOPE, JR., Division: #60

Deceased.

Filed in Open Court,
HOWARD C. FORMAN,
CLERK

Clerk
BRY

LETTERS OF ADMINISTRATION
(single personal representative)

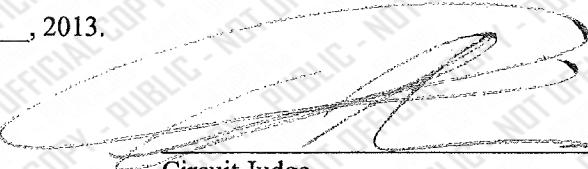
TO ALL WHOM IT MAY CONCERN:

WHEREAS, ANTWAN ALEXANDER HOPE, JR., a resident of Broward County, Florida, died on June 10, 2013, owning assets in the State of Florida, and

WHEREAS, ANTWAN ALEXANDER HOPE, SR. has been appointed personal representative of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administration in the estate,

NOW, THEREFORE, I, the undersigned Circuit Judge, declare ANTWAN ALEXANDER HOPE, SR. duly qualified under the laws of the State of Florida to act as personal representative of the estate of ANTWAN ALEXANDER HOPE, JR., deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate according to law.

Ordered on October 10th, 2013.


Circuit Judge

HOWEVER THERE SHALL BE NO
SALE OR TRANSFER OF ANY
PROPERTY REAL OR PERSONAL,
WITHOUT FURTHER COURT ORDER.

CHARLES M. GREENE

BEING IN THE ABSENCE OF JUDGE
CHARLES M. GREENE
NOTARY PUBLIC

Form No. PA-3.0700
Effective January 1, 2012

STATE OF FLORIDA
BROWARD COUNTY
CIRCUIT COURT CERTIFY the within and foregoing is a true
and correct copy of the original as it appears on record
and filed in the office of the Circuit Court Clerk of Broward
County, Florida, and that same is in full force and effect
WITNESS my hand and Official Seal at Fort Lauderdale
Florida, this the 20 day of October 2013
Howard C. Forman

Howard C. Forman
Deputy Clerk